

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JEFFERSON COUNTY COMMISSION;
PATRICIA NOLAND, *as an individual
and behalf of all others similarly situated*;
and DALE MANUEL, *as an individual and
behalf of all others similarly situated*,

Plaintiffs, and

THORNTON COOPER,

Intervening Plaintiff,

v.

Civil Action No. 2:11-CV-989
(KING, BAILEY, BERGER)

NATALIE E. TENNANT, *in her capacity as
the Secretary of State*; EARL RAY TOMBLIN,
*in his capacity as the Chief Executive Officer
of the State of West Virginia*; JEFFREY
KESSLER, *in his capacity as the Acting
President of the Senate of the West Virginia
Legislature*; and RICHARD THOMPSON, *in
his capacity as the Speaker of the House of
Delegates of the West Virginia Legislature*,

Defendants.

MOTION BY THORNTON COOPER FOR SUMMARY JUDGMENT.

Thornton Cooper, the Intervening Plaintiff, hereby submits his Motion for Summary Judgment in the above-captioned case.

Intervening Plaintiff Thornton Cooper moves that this Honorable Court issue an order (1) that declares *W. Va. Code § 1-2-3*, as amended in 2011 by Enrolled Senate

Bill No. 1008, to be unconstitutional and null and void in violation of federal law, (2) that enjoins the Defendants from enforcing that statute in the 2012 elections, and (3) that requires the Defendants to conduct the 2012 congressional elections in West Virginia under one of the plans submitted by Intervening Plaintiff Cooper.

Attached hereto is an affidavit in support of this motion.

Also being filed on this date is a memorandum in support of this motion.

THORNTON COOPER

Intervening Plaintiff

Pro Se

/s/ Thornton Cooper
Thornton Cooper (WVSB No. 823)
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Dated: December 19, 2011

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CERTIFICATE OF SERVICE.

I, Thornton Cooper, Intervening Plaintiff, do hereby certify that on December 19, 2011, I electronically filed the foregoing **MOTION BY THORNTON COOPER FOR SUMMARY JUDGMENT** and the attached **AFFIDAVIT BY THORNTON COOPER IN SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court

using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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